Justice System Appropriations Bill Senate File 475

As Amended by House Amendment S-3280 and Senate Amendment H-1654

Last Action:

Senate Floor Second Time

April 21, 2009

Executive Summary Only

An Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

NOTES ON BILLS AND AMENDMENTS (NOBA)



Available on line at http://www3.legis.state.ia.us/noba/index.jsp

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SENATE FILE 475 AS AMENDED BY S-3280 AND H-1654 JUSTICE SYSTEM APPROPRIATIONS BILL

SENATE AMENDMENT H-1654 TO **HOUSE AMENDMENT S-3280 HOUSE AMENDMENT – S-3280**

Page and line numbers refer to the location where the amendment action is inserted in SF 475.

• Strikes language relating to office furniture purchases in S-3280. (Page 21, Line 1)

Page and line numbers refer to the location where the amendment action is inserted in SF 475.

- Requires the Departments of Corrections and Public Safety to make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and other related overhead costs. (Page 21, Line 1)
- Requires the Department of Administrative Services to utilize a Request For Proposal process to establish multiple source purchasing contracts to allow governmental entities to purchase office furniture. The Board of Regents are exempt. Iowa State Industries makes the final determination regarding the purchase of office furniture. (Page 21, Line 1)
- Technical correction to an internal reference for the State Public Defender. (Page 21, Line 28)

BILL AS PASSED BY THE SENATE **FUNDING SUMMARY**

• Appropriates a total of \$515.4 million from the General Fund and 1,911.0 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is a decrease of \$18.4 million and an increase of 10.9 FTE positions compared to the estimated net FY 2009 General Fund appropriations. The Department of Corrections has 4,504.2 FTE positions that are not limited in this Bill. The FTE positions are included in the State budget system.

MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING **PROGRAMS**

- Makes the following significant General Fund changes for FY 2010:
 - . Department of Justice:
 - Office of the Attorney General: A decrease of \$768,000 for a general reduction. (Page 1, Line 7)
 - Victim Assistance Grants: An increase of \$2.3 million to provide the minimum match requirements for federal funds. (Page 1, Line 21)
 - Farm Mediation Program: A decrease of \$289,000 to eliminate the General Fund appropriation.
 - Office of the Consumer Advocate: A decrease of \$219,000 for a general reduction. (Page 2, Line 31)
 - Department of Corrections (DOC): A decrease of \$10.8 million compared to the estimated net FY 2009 General Fund appropriation. The change includes:
 - A decrease of \$3.3 million to eliminate funds for the operating budget at Farm Three at Fort Madison. (Page 3, Line 16)
 - A decrease of \$966,000 to eliminate funds for the Violator Program at the Newton and Mitchellville prisons and the Violator Aftercare Programs in the First, Third, Sixth, Seventh, and Eighth Community-Based Corrections (CBC) District Departments. (Page 4, Line 11; Page 4, Line 32; Page 9, Line 23; Page 9, Line 34; and Page 10, Lines 18 through 26)

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MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS (CONTINUED)

- A decrease of \$2.0 million to eliminate funds for the operating budget for the Clarinda Lodge. (Page 4, Line 23)
- A decrease of \$107,000 to the County Confinement Account. (Page 5, Line 5)
- A decrease of \$238,000 to the DOC Central Office. (Page 5, Line 22)
- A decrease of \$1.0 million to eliminate funds for a supervisor in each of the CBC District Departments. (Page 9, Line 23 through Page 10, Line 26)
- A decrease of \$400,000 to the mental health residential facility in Cedar Rapids. Approximately \$900,000 remains in the appropriation to operate the 26-bed facility. (Page 10, Line 18)
- A decrease of \$50,000 to eliminate funds for a youth intervention program in the Sixth CBC District Department. (Page 10, Line 18)
- A decrease of \$2.7 million for a general reduction to all appropriations to the DOC. (Page 3, Line 16 through Page 10, Line 26)
- *State Public Defender:* A decrease of \$6.5 million for a general reduction. (Page 13, Line 13 through Page 13, Line 21)
- *Iowa Law Enforcement Academy (ILEA):* A decrease of \$109,000 for a general reduction. (Page 13, Line 22)
- Department of Public Safety: A decrease of \$1.6 million, including:
 - A decrease of \$79,000 for a general reduction to Public Safety Administration. (Page 16, Line 3)
 - A decrease of \$381,000 for a general reduction to the Division of Criminal Investigation (DCI). (Page 16, Line 8)
 - A decrease of \$115,000 for a general reduction to the Division of Narcotics Enforcement. (Page 17, Line 16)
 - A decrease of \$72,000 for a general reduction to the Fire Marshal's Office. (Page 17, Line 29)
 - A decrease of \$903,000 for a general reduction to the Iowa State Patrol. (Page 18, Line 5)
- Requires the Office of the Attorney General to cooperate with the Auditor of State in preparing a report detailing the appropriation of money that is currently reimbursed to the Office of the Attorney General. Requires the Auditor of State to file a report with the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the Legislative Services Agency (LSA) by December 15, 2009. (Page 2, Line 23)
- Requires the DOC to use the John Bennett Facility at Fort Madison as either a prison facility or a CBC facility. (Page 3, Line 20)

STUDIES AND INTENT LANGUAGE

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STUDIES AND INTENT LANGUAGE (CONTINUED)

- Requires the DOC to operate the Luster Heights Prison Camp at its 88-bed capacity. (Page 3, Line 28)
- Requires the DOC to spend at least \$238,000 on the therapeutic treatment community program at the Anamosa State Penitentiary and \$140,000 on the Dual Diagnosis Program in the First CBC District Department. (Page 3, Line 31 and Page 9, Line 26)
- Requires the DOC to use at least \$300,000 in canteen receipts for the Corrections Education Program. (Page 6, Line 28)
- Eliminates the Chief Security Officer in the DOC Central Office at the end of FY 2011. (Page 8, Line 34)
- Requires the DOC to study the use of paramedics in the prison system and issue a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by January 15, 2010. (Page 9, Line 2)
- Requires the DOC to implement a centralized pharmacy during FY 2010 and issue a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by September 1, 2010. (Page 9, Line 8)
- Requires the Fifth CBC District Department to re-instate and use 67 beds at Building 65/66 at the Fort Des Moines Residential Facility, and maintain and use 199 beds at Building 68/70. (Page 10, Line 9)
- Permits the Iowa Law Enforcement Academy to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 14, Line 2)
- Permits the Iowa Law Enforcement Academy to annually exchange five vehicles returned to the State Fleet Administrator by the Department of Public Safety. (Page 14, Line 8)
- Adds language requiring the Homeland Security and Emergency Management Division to work in conjunction with the Department of Public Safety on the Fusion Program. (Page 15, Line 26)
- Permits the Military Division of the Department of Public Defense to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 8)
- Permits the Homeland Security and Emergency Management Division to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 20)
- Authorizes an appropriation of no more than \$200,000 from the Wireless E911 Emergency Communications Fund for FY 2010 to be used for administration of the Fund and to employ the State Auditor to perform an annual audit on the Fund. (Page 19, Line 30)

SENATE FILE 475 AS AMENDED BY S-3280 AND H-1654 JUSTICE SYSTEM APPROPRIATIONS BILL

SIGNIFICANT CHANGES TO THE CODE OF IOWA (CONTINUED)

- Requires the Department of Administrative Services (DAS) and the agencies that receive an appropriation in this Bill to pursue a goal of 14 employees per supervisor by December 31, 2009. (Page 20, Line 32)
- Permits the Iowa Law Enforcement Academy to charge Academy attendees more than half the cost of providing the basic training course, subject to Council approval. This change is repealed on June 30, 2010. (Page 20, Line 6)
- Increases the expenditure cap on the Consumer Education and Litigation Fund by \$800,000 for the period FY 2009 through FY 2011. Permits moneys in the Fund to be used to cash flow the Victim Compensation Fund. This Section is repealed at the end of FY 2011. (Page 20, Line 20)
- Permits the Office of the State Public Defender to contract with private attorneys for a set rate. (Page 21, Line 2 through Page 21, Line 28)
- Eliminates certified mail requirements under certain conditions, permits certain documents to be filed electronically with the Civil Rights Commission, and permits one set of documents to be given to the parties. (Page 21, Line 19 through Page 22, Line 29)
- Increases the cap on the use of inmate labor from \$25,000 per project to \$50,000 per project. (Page 22, Line 30)
- Permits the Office of the Attorney General to establish the reimbursement rates for medical care for payments from the Victim Compensation Fund. If a provider accepts the established rate, no further financial claims may be made against the victims. (Page 23, Line 2)

RETROACTIVE AND EFFECTIVE DATES

- The Section that increases the expenditure cap on the Consumer Education and Litigation Fund and permits moneys in the Fund to be used to cash flow the Victim Compensation Fund takes effect April 1, 2009, and is effective on enactment. (Page 23, Line 11)
- This Bill is effective July 1, 2009.

Summary Data General Fund

	Actual FY 2008	E	Estimated Net FY 2009	ı	House Action FY 2010	\$ Senate Action FY 2010	enate Action . Est Net 2009	Page and Line #
	(1)		(2)		(3)	(4)	(5)	(6)
Justice System	\$ 521,542,555	\$	533,858,575	\$	515,415,043	\$ 515,415,043	\$ -18,443,532	
Grand Total	\$ 521,542,555	\$	533,858,575	\$	515,415,043	\$ 515,415,043	\$ -18,443,532	

		Actual FY 2008 (1)		Estimated Net FY 2009 (2)		House Action FY 2010 (3)	_	Senate Action FY 2010 (4)		Senate Action vs. Est Net 2009 (5)	Page and Line # (6)
Justice, Department of											
Justice, Dept. of General Office A.G. Victim Assistance Grants Legal Services Poverty Grants Farm Mediation Services Total Justice, Dept. of	\$ 	9,485,145 150,000 2,000,000 300,000 11,935,145	\$	9,359,691 147,750 1,970,000 289,457 11,766,898	\$	8,592,145 2,400,000 1,954,634 0 12,946,779	\$	8,592,145 2,400,000 1,954,634 0 12,946,779	\$	-767,546 2,252,250 -15,366 -289,457 1,179,881	PG 1 LN 7 PG 1 LN 21 PG 1 LN 34
Consumer Advocate		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	<u> </u>	, ,	<u> </u>	,,	<u>+</u>	,,	<u>-</u>	,,,,	
Consumer Advocate	\$	3,374,466	\$	3,028,549	\$	2,809,606	\$	2,809,606	\$	-218,943	PG 2 LN 31
Total Justice, Department of	\$	15,309,611	\$	14,795,447	\$	15,756,385	\$	15,756,385	\$	960,938	
Civil Rights Commission											
Civil Rights Commission Civil Rights Commission	\$	1,504,036	\$	1,545,232	\$	1,533,179	\$	1,533,179	\$	-12,053	PG 19 LN 10
Total Civil Rights Commission	\$	1,504,036	\$	1,545,232	\$	1,533,179	\$	1,533,179	\$	-12,053	
Corrections, Dept. of											
CBC District 1 CBC District I	\$	12,706,033	\$	13,300,372	\$	12,883,094	\$	12,883,094	\$	-417,278	PG 9 LN 23
CBC District 2 CBC District II	\$	10,080,108	\$	11,053,717	\$	10,843,473	\$	10,843,473	\$	-210,244	PG 9 LN 31
CBC District 3 CBC District III	\$	5,903,401	\$	6,104,703	\$	5,718,746	\$	5,718,746	\$	-385,957	PG 9 LN 34
CBC District 4 CBC District IV	\$	5,419,406	\$	5,603,984	\$	5,436,248	\$	5,436,248	\$	-167,736	PG 10 LN 2
CBC District 5 CBC District V	\$	18,401,003	\$	19,232,705	\$	18,958,665	\$	18,958,665	\$	-274,040	PG 10 LN 5
CBC District 6 CBC District VI	\$	12,675,246	\$	14,273,011	\$	13,417,533	\$	13,417,533	\$	-855,478	PG 10 LN 18
CBC District 7 CBC District VII	\$	7,020,794	\$	7,265,034	\$	6,995,044	\$	6,995,044	\$	-269,990	PG 10 LN 21

		Actual FY 2008	 Estimated Net FY 2009	House Action FY 2010	 Senate Action FY 2010	Senate Action s. Est Net 2009	Page and Line #
		(1)	 (2)	 (3)	 (4)	 (5)	(6)
CBC District 8							
CBC District VIII	\$	6,998,544	\$ 7,109,164	\$ 6,919,964	\$ 6,919,964	\$ -189,200	PG 10 LN 24
Central Office							
County Confinement	\$	1,199,954	\$ 967,983	\$ 861,213	\$ 861,213	\$ -106,770	PG 5 LN 5
Federal Prisoners/ Contractual		241,293	241,293	239,411	239,411	-1,882	PG 5 LN 10
Corrections Administration		5,050,732	5,047,861	4,810,048	4,810,048	-237,813	PG 5 LN 22
Corrections Education		1,570,358	1,570,358	1,558,109	1,558,109	-12,249	PG 6 LN 25
Iowa Corrections Offender Network		427,700	427,700	424,364	424,364	-3,336	PG 7 LN 24
Mental Health/Substance Abuse		25,000	24,994	24,799	24,799	-195	PG 7 LN 27
Hepatitis Treatment and Education		188,000	188,000	186,534	186,534	-1,466	PG 7 LN 30
Transitional Housing - Comm. Based		30,000	0	0	0	0	
Total Central Office	\$	8,733,037	\$ 8,468,189	\$ 8,104,478	\$ 8,104,478	\$ -363,711	
Fort Madison							
Ft. Madison Institution	\$	44,512,509	\$ 44,737,908	\$ 41,114,692	\$ 41,114,692	\$ -3,623,216	PG 3 LN 16
Anamosa							
Anamosa Institution	\$	30,656,614	\$ 31,548,089	\$ 31,413,895	\$ 31,413,895	\$ -134,194	PG 3 LN 24
Oakdale							
Oakdale Institution	\$	56,204,468	\$ 59,219,891	\$ 58,646,095	\$ 58,646,095	\$ -573,796	PG 4 LN 7
Newton							
Newton Institution	\$	27,841,158	\$ 28,372,772	\$ 28,033,393	\$ 28,033,393	\$ -339,379	PG 4 LN 11
Mt Pleasant							
Mt. Pleasant Inst.	\$	26,331,092	\$ 27,430,137	\$ 27,216,182	\$ 27,216,182	\$ -213,955	PG 4 LN 15
Rockwell City							
Rockwell City Institution	\$	9,108,454	\$ 9,466,021	\$ 9,392,186	\$ 9,392,186	\$ -73,835	PG 4 LN 19
Clarinda							
Clarinda Institution	\$	25,078,365	\$ 25,526,358	\$ 23,421,051	\$ 23,421,051	\$ -2,105,307	PG 4 LN 23
Mitchellville							
Mitchellville Institution	\$	15,878,663	\$ 16,126,292	\$ 15,836,794	\$ 15,836,794	\$ -289,498	PG 4 LN 32
Fort Dodge							
Ft. Dodge Institution	\$	29,773,151	\$ 30,313,681	\$ 29,999,036	\$ 29,999,036	\$ -314,645	PG 5 LN 1
Total Corrections, Dept. of	¢.	353,322,046	\$ 365,152,028	\$ 354,350,569	\$ 354,350,569	\$ -10,801,459	

	Actual FY 2008		 Estimated Net FY 2009		House Action FY 2010		Senate Action FY 2010		Senate Action s. Est Net 2009	Page and Line #
		(1)	(2)		(3)		(4)		(5)	(6)
Inspections & Appeals, Dept. of										
Public Defender Public Defender Indigent Defense Appropriation	\$	21,749,296 31,282,538	\$ 21,914,112 30,365,185	\$	21,743,182 24,009,163	\$	21,743,182 24,009,163	\$	-170,930 -6,356,022	PG 13 LN 13 PG 13 LN 18
Total Inspections & Appeals, Dept. of	\$	53,031,834	\$ 52,279,297	\$	45,752,345	\$	45,752,345	\$	-6,526,952	
Law Enforcement Academy										
Law Enforcement Academy Law Enforcement Academy	\$	1,289,562	\$ 1,275,199	\$	1,166,033	\$	1,166,033	\$	-109,166	PG 13 LN 22
Total Law Enforcement Academy	\$	1,289,562	\$ 1,275,199	\$	1,166,033	\$	1,166,033	\$	-109,166	
Parole, Board of										
Parole Board Parole Board	\$	1,256,273	\$ 1,251,903	\$	1,161,399	\$	1,161,399	\$	-90,504	PG 14 LN 21
Total Parole, Board of	\$	1,256,273	\$ 1,251,903	\$	1,161,399	\$	1,161,399	\$	-90,504	
Public Defense, Dept. of										
Public Defense, Dept. of Public Defense, Department of	\$	6,311,985	\$ 6,361,947	\$	6,249,201	\$	6,249,201	\$	-112,746	PG 15 LN 2
Emergency Management Division Homeland Security & Emer. Mgmt.	\$	2,271,581	\$ 2,212,722	\$	2,038,119	\$	2,038,119	\$	-174,603	PG 15 LN 14
Total Public Defense, Dept. of	\$	8,583,566	\$ 8,574,669	\$	8,287,320	\$	8,287,320	\$	-287,349	

	Actual FY 2008		 Estimated Net FY 2009		House Action FY 2010		Senate Action FY 2010		enate Action . Est Net 2009	Page and Line #
		(1)	(2)		(3)		(4)		(5)	(6)
Public Safety, Department of										
Public Safety, Dept. of										
Public Safety Administration	\$	4,180,033	\$ 4,470,414	\$	4,391,190	\$	4,391,190	\$	-79,224	PG 16 LN 3
Public Safety DCI		21,729,482	21,506,406		21,125,270		21,125,270		-381,136	PG 16 LN 8
DCI - Crime Lab Equipment/Training		342,000	342,000		335,939		335,939		-6,061	PG 17 LN 13
Narcotics Enforcement		6,315,289	6,501,493		6,386,274		6,386,274		-115,219	PG 17 LN 16
Public Safety Undercover Funds		123,343	123,343		121,158		121,158		-2,185	PG 17 LN 26
DPS Fire Marshal		3,328,952	4,060,859		3,988,892		3,988,892		-71,967	PG 17 LN 29
Iowa State Patrol		50,210,762	50,971,409		50,068,094		50,068,094		-903,315	PG 18 LN 5
DPS/SPOC Sick Leave Payout		316,179	316,179		310,575		310,575		-5,604	PG 18 LN 20
Fire Fighter Training		699,587	692,697		680,421		680,421		-12,276	PG 18 LN 25
Total Public Safety, Department of	\$	87,245,627	\$ 88,984,800	\$	87,407,813	\$	87,407,813	\$	-1,576,987	
Total Justice System	\$	521,542,555	\$ 533,858,575	\$	515,415,043	\$	515,415,043	\$	-18,443,532	

Summary Data

FTE

	Actual FY 2008 (1)	Estimated Net FY 2009 (2)	House Action FY 2010 (3)	Senate Action FY 2010 (4)	Senate Action vs. Est Net 2009 (5)	Page and Line # (6)
Justice System	1,814.79	1,900.08	1,910.95	1,910.95	10.87	
Grand Total	1,814.79	1,900.08	1,910.95	1,910.95	10.87	

NOTE: The FTE positions in the Estimated Net FY 2009 column reflect the authorized FTE positions in the final legislative action of the FY 2009 appropriations Act.

Justice System FTE

	Actual FY 2008 (1)	Estimated Net FY 2009 (2)	House Action FY 2010 (3)	Senate Action FY 2010 (4)	Senate Action vs. Est Net 2009 (5)	Page and Line # (6)
Justice, Department of		_				
Justice, Dept. of General Office A.G. Victim Compensation Fund Total Justice, Dept. of	203.79 21.75 225.53	226.50 22.00 248.50	232.50 22.00 254.50	232.50 22.00 254.50	6.00 0.00 6.00	PG 1 LN 7 PG 1 LN 27
Consumer Advocate Consumer Advocate	21.42	27.00	27.00	27.00	0.00	PG 2 LN 31
Total Justice, Department of	246.95	275.50	281.50	281.50	6.00	
Civil Rights Commission						
Civil Rights Commission Civil Rights Commission	29.29	29.00	29.50	29.50	0.50	PG 19 LN 10
Total Civil Rights Commission	29.29	29.00	29.50	29.50	0.50	
Inspections & Appeals, Dept. of Public Defender						
Public Defender Public Defender	199.34	203.00	203.00	203.00	0.00	PG 13 LN 13
Total Inspections & Appeals, Dept. of	199.34	203.00	203.00	203.00	0.00	
Law Enforcement Academy						
Law Enforcement Academy Law Enforcement Academy	26.41	30.05	29.55	29.55	-0.50	PG 13 LN 22
Total Law Enforcement Academy	26.41	30.05	29.55	29.55	-0.50	
Parole, Board of						
Parole Board Parole Board	13.37	18.50	18.50	18.50	0.00	PG 14 LN 21
Total Parole, Board of	13.37	18.50	18.50	18.50	0.00	
Public Defense, Dept. of Public Defense, Dept. of						
Public Defense, Dept. of Public Defense, Department of	291.98	306.43	313.30	313.30	6.87	PG 15 LN 2

Justice System FTE

	Actual FY 2008	Estimated Net FY 2009	House Action FY 2010	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Emergency Management Division Homeland Security & Emer. Mgmt.	51.51	35.10	33.10	33.10	-2.00	PG 15 LN 14
Total Public Defense, Dept. of	343.49	341.53	346.40	346.40	4.87	
Public Safety, Department of						
Public Safety, Dept. of						
Public Safety Administration	37.74	39.00	39.00	39.00	0.00	PG 16 LN 3
Public Safety DCI	275.58	286.50	287.50	287.50	1.00	PG 16 LN 8
Narcotics Enforcement	74.30	82.00	81.00	81.00	-1.00	PG 17 LN 16
DPS Fire Marshal	40.60	59.00	59.00	59.00	0.00	PG 17 LN 29
Iowa State Patrol	527.71	536.00	536.00	536.00	0.00	PG 18 LN 5
Total Public Safety, Department of	955.94	1,002.50	1,002.50	1,002.50	0.00	
Total Justice System	1,814.79	1,900.08	1,910.95	1,910.95	10.87	